IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.15938 of 2024

Decided on: 23rd December, 2024

Gulshan Sharma ....Petitioner

Versus

State of H.P. & Ors. ...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

[1] *Whether approved for reporting?*

For the petitioner: Mr. Amrick Singh, Advocate.

For the respondents: Mr. L.N.Sharma, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. L.N.Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. This writ petition has been filed for grant of following substantive reliefs: -

> "*(i) That the respondent may kindly be directed to count the entire services of the petitioner, including initial service on contract basis i.e. from 2014 followed by regularization i.e. 2017 towards seniority alongwith all consequential benefits being a covered matter by the law laid*

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[1] *Whether reporters of Local Papers may be allowed to see the judgment? yes*

down by this Hon'ble Court vide judgment dated 03.08.2023 in CWP No. 2004/2017 a/w CWP No. 629/2018 upholding the judgment dated 25.05.2017 passed by the erstwhile Learned H.P. Administrative Tribunal in O.A. No. 3337/2016 whereby the service rendered by the employees concerned on contract basis has been ordered to be counted for the purpose of seniority along with consequential benefits

ii) That act of the respondents by not counting the services rendered by the petitioner on contract basis as JBT Teacher for the purpose of seniority along with all consequential benefits may kindly be held unconstitutional, discriminatory, arbitrary, unreasonable, unjustified, unwarranted, invalid, violative of Article 14 and 16 of the Constitution of India and contrary to the law laid down by this Hon'ble Court vide judgment dated 03.08.2023 in CWP No. 2004 of 2017 a/w CWP No. 629/2018 upholding the judgment dated 25.05.2017 passed by the erstwhile Learned H.P. Administrative Tribunal in O.A. No.3337/2016.

iii) The respondents may further be directed to promote the petitioner to the post of TGT w.e.f. 30.09.2019 or the day on which the petitioner acquired the minimum educational qualification to the post of TGT and to grant other consequential benefits from due date."

3. Admittedly, the petitioner has invoked extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India without even preferring any

representation to the competent authority for the redressal of her grievances raised in the writ petition.

4. Confronted with above, learned counsel for the petitioner submitted that the petitioner would be preferring representation within two weeks from today. In case such a representation is so made, the same shall be decided by the competent authority in accordance with law within a period of six weeks thereafter. The order so passed shall also be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

December 23, 2024
R.Atal